

REMARKS

This amendment responds to the office action mailed January 27, 2004.

The Examiner allowed claims 1-4 and 8-23.

The Examiner rejected claim 5 under 35 U.S.C. § 102(e) as being anticipated by Vogt, U.S. Patent No. 6,435,738. The Examiner noted that claims 6 and 7, which depend from claim 5 would be allowable if rewritten in independent form. Claim 5 has been amended to incorporate the limitations of claim 6, which in turn has been canceled. Therefore, claim 5, as amended, as well as claim 7 should now be allowable.

The Examiner rejected independent claim 24 under 35 U.S.C. § 102(e) as being anticipated by Vogt, U.S. Patent No. 6,435,738. Claim 24 includes the limitations of “a first side wall capable of travel with respect to a second side wall from a first location to a second location in response to actuation of an actuator . . . said actuator being capable of causing said lateral movement by transmitting a force *to said first side wall* where said force increases over a major portion of said travel, said force varies over an interval from a first time to a second time while said second side wall remains in said second location, said force reaches a maximum value between said first time and said second time, and said force at said second time is greater than said force at said first time.” (Emphasis added). These limitations are not found in Vogt.

Referring to FIGS 3-6 of Vogt, it can be seen that as the lever 9 is moved from a first position (FIG. 5) to a second position (FIG. 3), the force applied by the lever 9 to the first side wall 6 is equal to the counterforce applied by the compression spring 17 housed inside the body of the clamp and shown in FIG. 6. The magnitude of this counterforce, hence the magnitude of the force on the side wall 6 from the lever 9, is inversely proportional to the distance between the first side wall 6 and the second side wall 5. Thus, as the lever is moved from the first position (FIG. 5) to the second position (FIG. 3), the force on the side wall is

always increasing until it reaches a maximum magnitude *at the second position and stays at this maximum*. The force on the side wall does not vary “over an interval from a first time to a second time while said second side wall remains in said second location” nor does the force reach “a maximum value between said first time and said second time” as specified in claim 24.

While Vogt also discloses a blocking pin 21 that applies a force to a head 12 by a second compression spring 27, where the force on the head 12 reaches a maximum at the second position and the instantly diminishes to a lesser value as the blocking pin 21 snaps into a groove 15, the force on the head 12 applied by the spring 27 *cannot be transmitted to the first side wall 6* when the lever 9 is in the second position because the spring 27 is oriented in a direction parallel to the side wall 6. Therefore, the force on the side wall 6 remains constant while the lever 9 is in the second position, even when the force on the head 12 varies.

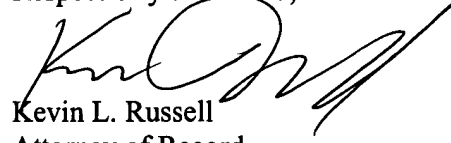
Because the lever of Vogt does not apply a force to the first side wall that “varies . . . while said side wall remains in said second location,” independent claim 24 patentably distinguishes over Vogt and should be allowable. Dependent claims 25-28 depend from independent claim 24 and are therefore also patentably distinguishable over Vogt and should be allowable.

The Examiner rejected claim 29 under 35 U.S.C. § 102(e) as being anticipated by Vogt, U.S. Patent No. 6,435,738. Claim 29 has been amended to include the limitation of “a handle portion of said lever where said handle portion extends beyond said first corner when in said first position and extends beyond and around said second corner when in said second position.” Support for this amendment may be found on page 8 of the specification. Vogt does not disclose this limitation, hence claim 29 as amended is patentably distinguishable over Vogt and should be allowable.

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In view of the foregoing amendments and remarks, reconsideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin L. Russell', written over the printed name.

Kevin L. Russell
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